

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 29, 2023

United States of America

v.

)

Case No. 1:23-mj-04195-ACE

)

DAMIAN INIGUEZ

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)

)

Defendant(s)

SEAN F. McAVOY, CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 8, 2023 in the county of Yakima in the
Eastern District of Washington, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 922(g)(1) Felon in Possession of Firearm

This criminal complaint is based on these facts:

 Continued on the attached sheet.Digitally signed by J. Mark Keller
Date: 2023.11.29 17:43:55 -08'00'*Complainant's signature*

J. Mark Keller, TFO, ATF

Printed name and title Sworn to telephonically and signed electronically Sworn to before me and signed in my presence.Date: November 29, 2023
Alexander C. Ekstrom*Judge's signature*City and state: Yakima, Washington

ALEXANDER C. EKSTROM, U.S. Magistrate Judge

Printed name and title

AUSA: CRP

COUNTY: YAKIMA

COMPLAINT AFFIDAVIT

I, J. Mark Keller, a Task Force Officer of the Bureau of Alcohol, Tobacco,
Firearms, and Explosives (“ATF”), being first duly sworn, hereby depose and state
as follows:

INTRODUCTION

1. This complaint arises out of an investigation being conducted by the ATF regarding a violation of 18 U.S.C. § 922(g)(1), (Prohibited Person in Possession of a Firearm).
2. I have probable cause to believe that on September 8, 2023, Damian INIGUEZ (henceforth referred to as “INIGUEZ”), who has previously been convicted for a crime punishable by imprisonment for a term exceeding one year, possessed a firearm.
3. This is an affidavit submitted in support of a complaint against INIGUEZ for possessing a firearm as a prohibited person, in violation of 18 U.S.C. § 922(g)(1), within the Eastern District of Washington.

AFFIANT'S QUALIFICATIONS, TRAINING AND EXPERIENCE

4. I, J. Mark Keller, am a lieutenant with the Washington State Liquor and Cannabis Board (“WSLCB”) and a commissioned Task Force Officer (“TFO”) with the ATF, United States Department of Justice, in the Yakima Field Office. I have been so assigned, with the exception of two months, since December 2003. I

1 have been employed with the WSLCB for just over 31 years. My current
2 assignment involves the investigation of firearms violations of Title 18, United
3 States Code. As a TFO, I am authorized to investigate violations of laws of the
4 United States and to execute warrants issued under the authority of the United
5 States. I was also commissioned as a reserve deputy with the Yakima County
6 Sheriff's Office from February of 1994 to November of 2020.

5. I am familiar with and have received training regarding the enforcement of
10 federal firearms, arson, and explosives laws. I have also been involved in
11 numerous criminal investigations as an ATF TFO involving the unlawful
12 possession of firearms by various types of prohibited persons. During my time with
13 ATF and the WSLCB, I have made/assisted in hundreds of arrests for criminal and
14 administrative purposes. These criminal arrests have been for violations of both
15 federal and state laws. I have also prepared and/or assisted in the drafting and
16 execution of numerous search warrants for violations of both federal and state
17 laws.

6. The facts and opinions set forth in this Affidavit have been derived from the
22 above-described training and experience, as well as my personal participation in
23 this investigation, and from information provided to me by agents and/or officers
24 from other federal, state, and local law enforcement agencies, to include, but not
25 limited to, those named in this Affidavit. Because this Affidavit is being submitted
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1 solely for establishing probable cause to support the complaint, I have not included
2 each and every fact known concerning this investigation and have only set forth
3 facts necessary to support the complaint.
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5 **PROBABLE CAUSE**
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7 7. On September 8, 2023, at about 0140, Zillah Police Department Officer
8 Joshua Primmer contacted INIGUEZ in a vehicle parked at the gas pumps at Sun
9 Mart, located at 900 Vintage Valley Parkway, Zillah, Washington. The vehicle had
10 been parked there for a couple hours and the business was closed. When Officer
11 Primmer approached the vehicle, he observed INIGUEZ in the driver's seat either
12 passed out or asleep. Officer Primmer observed drug paraphernalia in INIGUEZ's
13 lap.
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15 8. Officer Primmer subsequently assisted INIGUEZ out of the driver's seat
16 and placed him in handcuffs. Officer Primmer observed what appeared to be a
17 pistol grip protruding from INIGUEZ's front sweatshirt pocket. A pat down for
18 weapons revealed a loaded Glock 22 Gen 4 .40 caliber pistol with serial number
19 YDM037 with an extended magazine. Further investigation showed the Glock
20 pistol had been stolen from Hermiston, Oregon.
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23 9. The Glock 22 Gen 4 .40 caliber pistol was subsequently examined by ATF
24 Resident Agent in Charge (RAC) and Interstate Nexus Expert Nicholas Kingston.
25 Based on his training and experience, RAC Kingston concluded the Glock pistol
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was not manufactured in the state of Washington and must have traveled in, and thereby affected, interstate commerce and/or foreign commerce if it was received and/or possessed in the state of Washington.

10. A check of the NCIC criminal history for INIGUEZ showed he was convicted on or about January 30, 2014, of Assault – 2 in Yakima County, Washington. This is a crime punishable by imprisonment for a term exceeding one year. I have examined the Felony Judgment and Sentence, dated January 30, 2014, and signed by INIGUEZ. The sentencing range listed for the Assault – 2 charge was 27 to 32 months, which includes a 12-month deadly weapon enhancement.

CONCLUSION

I believe, based on my training and experience, and the facts set forth above, that INIGUEZ is a prohibited person and that he possessed a firearm in violation of 18 U.S.C. §922(g)(1).

I declare and affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,

J. Mark Keller
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

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2 Sworn to telephonically and subscribed electronically on November 29, 2023.
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6 ALEXANDER C. EKSTROM
7 UNITED STATES MAGISTRATE JUDGE
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